



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

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November 13, 2008

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

SPONSOR LEGISLATION TO SHORTEN DEADLINE FOR BIRTH PARENTS TO FILE A NOTICE OF APPEAL OF TERMINATION OF PARENTAL RIGHTS (ITEM NO. 10, AGENDA OF NOVEMBER 18, 2008)

Item No. 10 on the November 18, 2008 Agenda is a motion by Supervisor Antonovich directing the Chief Executive Officer and the Director of the Department of Children and Family Services to work with the State Legislative delegation to sponsor legislation to shorten the deadline for birth parents to file a notice of appeal of Termination of Parental Rights from 60 to 70 days to a maximum of 30 days, to make other modifications to streamline the Termination of Parental Rights process, and report back in 90 days.

When it is determined by a court order that it would be detrimental for a child who is removed from his parents to be returned to those same parents, an alternative form of permanence is part of that court order. In those cases, where adoption is determined to be in the best interests of the child, the court issues a Termination of Parental Rights (TPR) of the birth parent. This frees the child for adoption.

Under current law, birth parents have 60 to 70 days to appeal the TPR order. State law and court rules also establish procedures for notifying birth parents of the TPR order, when made by a referee rather than a judge. When the TPR order is made by a referee the appeal period begins only after the court clerk mails the TPR order to the birth parent. Occasionally, documentation is unavailable to verify that the notice has been mailed by the court clerk. In these circumstances, the TPR order made by a referee may be subject to appeal indefinitely because there are no provisions to automatically make the TPR final.

"To Enrich Lives Through Effective And Caring Service"

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According to the Department of Children and Family Services (DCFS), these processes create barriers to the placement of children in adoptive homes and may result in a high level of uncertainty and anxiety for families who have developed strong emotional bonds with the children in their care. DCFS indicates that some prospective adoptive parents choose not to proceed with an adoptive placement until the TPR appeal process expires.

County Counsel indicates that this will positively impact approximately two thousand cases each year where parental rights are terminated. County Counsel conducted a survey and determined that this proposal will have minimal impact on the rights of the birth parents. The survey showed that only ten percent of TPR orders were appealed. In the vast majority of the cases which were appealed, the notice of appeal was filed well within the 30-day timeframe proposed by this legislation.

County Counsel, DCFS, and this office concur that seeking County sponsorship of legislation to shorten the TPR appeal period to 30 days and making other modifications to streamline the TPR process would promote timely permanence and stability for children in adoptive homes.

WTF:GK:ML
VE:sb

c: Executive Officer, Board of Supervisors
County Counsel
Department of Children and Family Services